

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT MENA,

Petitioner,

v.

UNKNOWN,

Respondent.

No. 2:24-cv-02086 AC

ORDER

Petitioner is a state prisoner proceeding without counsel in this habeas corpus petition filed pursuant to 28 U.S.C. § 2254. The habeas petition itself indicates that it was intended to be filed in the Sacramento County Superior Court. ECF No. 1 at 1. Petitioner confirmed that he erroneously filed the petition in this court by filing a Notice to Disregard the Petition. ECF No. 4. The court construes this as a notice of voluntary dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. See also Rule 12 of the Rules Governing Habeas Corpus Cases Under § 2254 (allowing the Rules of Civil Procedure to be applied to habeas corpus actions). So construed, petitioner's habeas corpus application is voluntarily dismissed without prejudice.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's habeas corpus application (ECF No. 1) is voluntarily dismissed without prejudice.
2. The Clerk of Court is directed to close this case.

DATED: August 15, 2024

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